REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Interview Summary

The undersigned participated in a telephonic interview on November 19, 2009 with Examiner Rutten (without exhibits). The current rejections were discussed in light of the pending claims. In particular, the relationship between the client server, the remote server, and the decision server was discussed. Although no agreement was reached, the undersigned gratefully acknowledges Examiner Rutten's feedback during the interview.

Specification

The specification stands objected as allegedly failing to recite "a tangible machine-readable storage medium". In order to expedite the allowance of the current application, claims 84-103 have been amended to recite "a computer-implemented method" in order to obviate this rejection.

35 USC § 112

Claims 84-104 stand rejected under 35 U.S.C. § 112 as allegedly failing to comply with the written description and failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims have been amended to clarify the relationship between a client server (aka client system 110 in FIG. 1), a web server (reference 111 in FIG. 1), and a decision server

(reference 109 in FIG. 1). As is illustrated in FIG. 1, these three servers are remote and separate from each other. It is this arrangement which is one of the focuses of the specification, namely an ASP type decision server arrangement. The specification (see, inter alia, FIG. 1, p. 17, line 11 - p. 23, line 14) describes rendering graphical information regarding the various models and having such information passed on first to a web server and later to a decision server. Therefore, it is respectfully submitted that there is both explicit and inherent support for the recited subject matter.

Accordingly, it is respectfully requested that this basis for rejection be withdrawn.

35 U.S.C. § 103

Claims 84 and 87 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220). Claim 86 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) an further in view of Humplemann et al. (U.S. Patent No. 6,466,971). Claims 88 and 89 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) an further in view of Bertrand et al. (U.S. Patent No. 6,018,732). Claims 90-91 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) an further in view of Ballantyne et al. (U.S. Patent No. 6,687,873). Claims 92, 93, 96, and 103 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts et al. (U.S. Patent No. 6,085,220) an further in view of Berg et al. (U.S. Patent No. 5,999,911). Claim 94 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg and in further in view of Greenfeld (U.S. Patent No. 4,93,928). Claim 95 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg

and in further in view of Schabes et al. (U.S. Patent No. 5,475,588). Claims 97-99 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg and in further in view of Bertrand. Claim 100 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts, Berg, and Bertrand and in further in view of Mical (U.S. Patent No. 4,772,882). Claims 101-102 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Courts and Berg and in further in view of Xie et al. (An additive reliability model for the analysis of modular software failure data). These rejections are respectfully traversed.

The standard set by the U.S. Supreme Court for a proper rejection under 35 U.S.C. §103 requires determining the scope and contents of the prior art and ascertaining the differences between the prior art and the claimed subject matter, and resolving the level of ordinary skill in the pertinent art to determine if the differences would have been within this level of ordinary skill. *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), reaffirmed in *KSR v. Teleflex*, 550 U.S. 398 (2007). As noted in MPEP §2141.02 and §2143.03, this analysis further requires consideration of whether the claimed subject matter <u>as a whole</u> would have been obvious to one of ordinary skill in the art at the time of invention. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Merely distilling the claimed subject matter down to the "gist" or "thrust" of an invention disregards this requirement. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). For a proper rejection under 35 U.S.C. §103(a), the Office "bears the initial burden of factually supporting any *prima facie* conclusion of obviousness" and must therefore present "a clear articulation of the reason(s) why the claimed invention would have been obvious." It is respectfully submitted that these

standards have not been met with regard to the currently pending claims.

Claim 84 has been amended to recite: "A computer-implemented method comprising: receiving, at a remote server, data characterizing at least one rule for making decisions based on input data; generating, at a client server by the remote server, the remote server being different and remote from the client server, at least a portion of a web page for receiving the input data, the portion of the web page corresponding to the at least one rule; initiating, by the remote server at a decision server remote from both the remote server and the client server, a decision service for producing an output by applying the at least one rule to the input data, the output corresponding to at least one recommendation, reason code, decision or a score; receiving, at the client server, the input data from a user via the web page modifying the output; transmitting, by the client server to the decision server, the input data in a first format; invoking, by the remote server, the decision service on the decision server to produce an output by applying the at least one rule to the input data, the invoking comprising sending data to the decision server in a second format different from the first format; and delivering, by the remote server, the output to the user at the client server" (for support, see, inter alia, specification p. 18, lines 14-20).

Claim 104 has been amended to recite: rendering, by a web server at a client server remote and separate from the web server, a web page including a first decision tree, the first decision tree comprising a first plurality of linked values to help identify a strategy corresponding to the first decision tree, the web page including graphical user interface elements corresponding to the first plurality of linked values; receiving user-generated input via one or more of the graphical user interface elements on the web page modifying at least one of the first plurality of linked values in the first decision tree; passing, by the client server to the web server, the user modified first plurality of linked values; passing, by web server to a remote decision

server, the user modified first linked values, the remote decision server being separate and remote to both the web server and the client server; calculating, by the remote decision server, a second plurality of linked values based on the user modified first linked values and a pre-defined decision model; generating, by the remote decision server, a second decision tree based on the second plurality of linked values, the second decision tree comprising a second plurality of linked values to help identify the strategy corresponding to the first decision tree; passing, by the remote decision server to the web server, the second decision tree; and rendering, by the remote web server at the client server, a second web page including the second decision tree (for support, see, inter alia, specification FIG. 1, p. 18, lines 14-20).

New claim 105 recites: "wherein the user modified first plurality of linked values passed by the client server to the web server comprises an XML document, and wherein the web server and wherein the user modified first linked values passed by the web server to the remote decision server comprises an ASP file, the ASP file being in a different format from the XML document" (for support, see, inter alia, specification p. 18, lines 14-20).

Courts relates to an enterprise interaction hub for managing an enterprise web system. The hub includes a number of layers including an interaction layer that receives requests to the enterprise web system and returns responsive web pages. In addition, with Courts, a presentation layer is coupled to the interaction layer that generates responsive web pages, a business slayer is coupled to the presentation layer and provides business logic for use by the presentation layer in generating the responsive web pages, an integration layer is coupled to the business layer to interface with existing legacy data to provide the legacy data to the business layer, a trend collection layer monitors and accumulates historical information from other layers.

As previously argued, the business rules in a business layer differ from the recited

decision service / decision server. To further emphasize this difference, the relationship between the client server, the web server / remote server, and the decision server as well as the format of data (claims 84 and 105) transferred therebetween has been affirmatively recited (due in part to the office action on page 9 stating that such limitations have not been addressed). The passage in Courts on col. 8, lines 18-41 merely states that a distributed computing environment can be implemented for a global session server (which is different than what is recited in the claims) as well as render engines (which also differ from the subject matter recited in the claims).

As a result of the deficiencies with Courts, the skilled artisan would not have resulted in the subject matter of any of the claims by combining any of the cited references.

New claim 106 recites: "A decisioning service computing system comprising: a client system; a web server coupled to the client system; a decision server coupled to the web server; and a code generator computing system for generating (i) strategy service software on the decision server for executing strategy; (ii) an XML schema, (iii) an XML parser / builder for reading data conforming to the XML schema, and (iv) a web page that is loaded onto the web server for facilitating communication in ASP mode between the client system and the decision server; wherein the generated XML schema is provided to the client system for collecting input data and ensuring the input data from the client system conforms to the XML schema, a copy of the XML schema residing on the web server to validate input data intended for the decision server; wherein the client system sends data to the decision server via the web server in the form of an XML document and the web server sends a corresponding ASP file to the decision server; wherein the web server calls the parser / builder to convert XML format data into a format that can be processed by the decision server and returns the results via XML to the client system (for support, see, inter alia, specification FIG. 1, p. 17, line 18 to p. 19, line 24). As none of the cited

references suggest an arrangement including the client computing system, the web server, the decision server, and the code generator computing system and their respective recited functionality, this claim should also be allowable.

Accordingly, all of the claims should be allowable.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant asks that all claims be allowed.

If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Applicant is concurrently filing herewith a Petition for a one-month extension of time with the requisite fee. Authorization for a credit-card payment of the filing fees mentioned above is submitted herewith. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 35006-629001US.

Respectfully submitted,

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